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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,162	11/27/2001	Andrew Rodney Ferlitsch	SLA1037	5966

52894 7590 11/27/2006

KRIEGER INTELLECTUAL PROPERTY, INC.
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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,162

Applicant(s)

FERLITSCH ET AL.

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/26/02, 6/5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/06 has been entered.

Response to Amendment

2. Applicant's arguments filed 4/10/06 have been fully considered but they are not persuasive, Applicant on the response filed on 4/10/06 argues the point that Costello does not describe the integration or combination of the job separator page into the actual print job, but simply discloses a method for sending a job separator page to the same destination as the separator of the print job. The main point of client argument is that the separator sheet would not be inserted with in the whole document or print job as mentioned on pages 7-9. However, Examiner points out that in fact Costello on column 1 lines 25-30 teaches the way the banner sheet or separator in this case would be automatically inserted before or after the printing of the first or the last sheet, which would make this print job the integrated print job combined with the separator sheet.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 8, 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Costello (U.S. patent 5,547,178)

Regarding claim 1 and 12-16 A method for combining a print job separator page and a print job into a single, integrated print job (note column 1 lines 25-30 where the banner sheet or separator in this case would be automatically inserted before or after the printing of the first or the last sheet, which would make this print job the integrated print job combined with the separator sheet) said method comprising: receiving an original print job at a print system component; analyzing said original print job with said print system component to identify print job characteristics to be included on a print job separator page (note column 15 lines and specifically lines 27-35 where the printer controller in combination with the signal from the mailbox processor create a banner sheet, such information for example would be the job identification information, the specific job description information would be automatically inserted to the banner sheet which there on would be inserted in the print job, lines 29-34) and creating a single integral print job comprising said original print job and a

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said print job separator page (note again, column 1 lines 25-30 where the banner sheet or separator in this case would be automatically inserted before or after the printing of the first or the last sheet, which would make this print job the integrated print job combined with the separator sheet).

Regarding claim 6 Costello discloses: The method of claim 1 further comprising sending said single integral print job to a printer (note column 15 lines 37-42).

Regarding claim 8 Costello discloses: The method of claim 1 wherein said creating comprises adding data for said print job separator page to said original print job (note column 15 lines 37-47).

Regarding claim 10 Costello discloses: The method of claim 1 wherein said single integral print job comprises said original print job preceded by a job separator page that identifies said original print job (note column 15 lines 29-31).

Regarding claim 11 Costello discloses: The method of claim 1 wherein said print job separator page comprises a summary of characteristics of said original print job (note Fig.8, also note column 14 lines 32-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 , 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Costello (U.S. patent 5,547,178) in view of Snipp (U.S patent 5,699,495)

Regarding claim 2 Costello does not clearly discloses: The method of claim 1 wherein said print system component is a print processor. On the other hand Snipp discloses: The method of claim 1 wherein said print system component is a print processor (note Fig.2 item 34, where a print processor field 116 holds a pointer to a string that specifies the name of the print processor that is used by the printer, column 6 lines 54-67). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Costello's invention according to the teaching of Snipp, where Snipp teaches the way the separator sheet is processed through the component printer process

Regarding claim 3 Snipp discloses: The method of claim 1 wherein said print system component is a spooler (note Fig.2 item 40)

Regarding claim 4 Snipp discloses: The method of claim 1 wherein said print system component is a print assistant (note Fig.2 item 38A, printer driver which assist on the process).

Regarding claim 5 Snipp discloses: The method of claim 1 wherein said print system component is located on a print server (note Fig.2 items 40 and 34 the spooler and print processor).

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Regarding claim 7 Snipp discloses: The method of claim 1 further comprising sending said combined print job to a print server (note column 6 lines 57-62).

Regarding claim 9 Snipp discloses: The method of claim 1 wherein said creating comprises creating a new print job file comprising data for said print job separator page and said original print job (please note column 5 lines 53-67 and column 6 lines 1-6).

Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for ***formal*** communications; please mark
"EXPEDITED PROCEDURE")

Or:

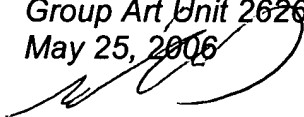
(703) 306-5406 (for ***informal*** or ***draft*** communications, please
label "PROPOSED" or "DRAFT")

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Hand delivered responses should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
May 25, 2006



KING Y. POON
PRIMARY EXAMINER